

REMARKS

Claims 1-19 are pending in this application. Claims 4-14 and 19 have been withdrawn from consideration by the Examiner. By this Amendment, claims 1-19 are amended. Support for the amendments to the claims may be found, for example, in the original claims and throughout the specification. No new matter is added.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

I. Rejection under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 1 and 15-18 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

By this Amendment, Applicants amend the claims to comply with the Examiner's helpful suggestions. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

II. Rejection Under 35 U.S.C. §102

The Office Action rejects claims 1-3 and 15-18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,393,731 to Moua et al. ("Moua"); U.S. Patent No. 6,282,814 to Krafur et al. ("Krafur"); and U.S. Patent No. 4,592,153 to Jacinto et al. ("Jacinto"). In particular, the Office Action asserts that each of Moua, Krafur, and Jacinto teach a shoe having structure as claimed including plates and elastically deformable elements incorporated between the plates in an arch and front of the sole which represent a dynamic support element. Applicants respectfully traverse the rejection as to the new claims.

Independent claims 1 and 15 require that a "sole comprises a dynamic support element which comprises at least two elastically deformable components located in the front and on

either side of the longitudinal axis of said sole" (emphasis added). Despite their asserted disclosures, Moua, Jacinto, or Krafusur fail to teach or suggest such features.

The claimed invention relates to a footwear item subjected to considerable mechanical stresses, in particular when playing sports in which the transfer of weight on the side spring elements in the front part of the foot are frequent. The specification discloses that "the aim of the present invention is to produce a sole for a shoe intended for extreme use, in which the side supports of said sole are highly stressed, so as to encourage the sole and the foot to return to a substantially normal or antagonist position by reducing energy losses in lateral weight transfers of the front part of the foot." *See* page 2, lines 1-7. The different transfer of weight on the side spring elements being very frequent and concentrated on the front part of the foot, it is consequently important to wear a footwear item that allows for immediate side reaction. Thus, the specification further discloses that . . .

"the sole comprises a dynamic support element which comprises at least two elastically deformable components or parts, for storing and releasing energy when said sole is subjected to lateral stresses, said dynamic support element being positioned in the sole such that it lies at least partially beneath a zone corresponding to the front part of the foot, so as to produce a dynamic interaction between the two elastically deformable components or parts when said sole is subjected to stresses and to create two respective corresponding lateral points of bearing on the ground, which are located on either side of the longitudinal axis of the shoe."

See page 2, lines 10-23. The specification discloses many advantages of the claimed invention over footwear lacking the dynamic support element in accordance with the claimed invention. *See* pages 5-6.

Moua discloses "a shock absorber for shoes which will not degrade over time or due to exposure to moisture and/or heat." *See* column 3, lines 28-30. It further teaches "shoe 10 includes a bottom section 12 having a heel section 14 and a sole section 16. Sole section 16 includes an inner sole section 18 having an insole surface 20 and an outside surface 22. Shoe 10 further includes an upper section 24 fixed to bottom section 12. Shoe 10 further includes a toe section 26 on a forward end 28 thereof, a shank section 29 between the toe section 26 of shoe 10 and heel section 14 of shoe 10,

and a counter section 30 on upper section 24 of shoe 10 and located at a rearmost position on upper section 24 of shoe 10 adjacent to heel section 14 of shoe 10."

See column 4, lines 39-49. Nowhere does Moua teach or suggest a "sole comprises a dynamic support element which comprises at least two elastically deformable components located in the front and on either side of the longitudinal axis of said sole" as required by claims 1 and 15.

Jacinto discloses

"a heel construction capable of providing an optimal response for an individual wearing a shoe to which it is attached and which is adaptable to being permanently or detachably fixed to a shoe having an upper section and a sole section attached to the upper section, both of such sections extending in a generally horizontal direction and forming a toe area at one end and a heel area at the opposite end, the heel construction comprising at least one generally Z-shaped resilient plate having upper, middle and lower arms, the upper arm of the plate extending towards the toe area of a shoe to which the heel construction is fixed and the lower arm of the plate extending towards the periphery of the heel area at the opposite end of the shoe."

See column 2, lines 6-19. Nowhere does Jacinto teach or suggest a "sole comprises a dynamic support element which comprises at least two elastically deformable components located in the front and on either side of the longitudinal axis of said sole" as required by claims 1 and 15.

Krafsur discloses "a sole assembly that has a first spring disposed within a vacuity in the heel portion of the assembly, and a second spring disposed within a vacuity in the ball portion of the assembly." *See* Abstract. Nowhere does Krafsur teach or suggest a "sole comprises a dynamic support element which comprises at least two elastically deformable components located in the front and on either side of the longitudinal axis of said sole," as required by claims 1 and 15.

Therefore, Moua, Jacinto, or Krafsur do not anticipate claims 1 and 15. Claims 16-18 depend from claim 15 and, thus, also are not anticipated by Moua, Jacinto, or Krafsur. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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